

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 612 - SB 925

March 18, 2009

SUMMARY OF BILL: Increases from a Class B to a Class A felony the offense of aggravated robbery committed with a firearm or explosive device.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$48,996,600/Incarceration*

Assumptions:

- According to the Department of Correction (DOC), there has been an average of 671 admissions for aggravated robbery in each of the past 10 years. According to the 2007 Crime in Tennessee Report issued by the Tennessee Bureau of Investigation, approximately 60 percent of reported robbery offenses involved weapons, explosives, and incendiary devices.
- DOC estimates 60 percent (403) of the total admissions for aggravated robbery would involve either a firearm or explosive device. DOC estimates 403 offenders would receive a sentence elevated from a Class B to a Class A felony in the first year.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will result in 42 additional offenders.
- According to DOC, 42 percent of offenders will re-offend within three years of their release. A recidivism discount of 42 percent has been applied to this estimate to account for the impact of offenders who would re-offend under current law within the additional time added by this bill. It is assumed that the re-offender would have committed the subsequent offense at the same felony level as under current law (445 offenders x 42% recidivism discount = 186.9 offenders). The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 258 (445 - 187) offenders.
- According to the Department, the average post-conviction time served is 6.17 years for a Class B felony and 14.86 years for a Class A felony. According to DOC, the average operating cost per offender per day for calendar year 2009 is \$59.80.

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- The cost per offender at 14.86 years is \$324,636.26 (\$59.80 x 5,428.70 days). The cost per offender at 6.17 years is \$134,727.00 (\$59.80 x 2,252.96 days). The additional cost of increasing the average sentence length from 6.17 years to 14.86 years is \$189,909.26 (\$324,636.26 - \$134,727.00). The total additional operating cost for 258 offenders is \$48,996,589.08 (\$189,909.26 x 258).
- Any impact on caseloads in the state trial courts can be accommodated within existing resources.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a larger, more prominent script than the last name "White".

James W. White, Executive Director

/lsc